

Message Text

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SUBJ: ILO: FREEDOM OF ASSOCIATION COMMITTEE CONSIDERATION OF GREEK
CASES 834 AND 851

REF: A. GRANT-PFEIFFER TELCON, B. GB 201/11/23, 160TH REPORT OF FAC

1. RESULTS OF CONSIDERATION OF GOVERNING BODY COMMITTEE ON
FREEDOM OF ASSOCIATION OF COMPLAINTS ALLEGING INFRINGEMENTS
UNDER LAW 330 ARE LISTED IN PARA TWO BELOW. THE TEXT OF THE
PERTINENT PARAGRAPHS OF THE REPORT IS QUOTED IN PARA 3 BELOW.
PARA 197 COULD HAVE BEEN THE PART OF THE REPORT REFERRED TO BY
THE LABOR MINISTER IN ATHENS BECAUSE IT REJECTS THE COMPLAINANT'S
ALLEGATIONS THAT THE RIGHT TO STRIKE IS INFRINGED BY SECTIONS
32-36 OF LAW 330. FULL TEXT OF FAC REPORT (REF B) HAS BEEN
POUCHED TO ATHENS. SECRETARIAT TELLS US ALL SUBSTANTIVE
POINTS MADE BY COMPLAINANTS AND GOG ARE CONTAINED IN THE REPORT.

2. BEGIN TEXT:

202. IN THESE CIRCUMSTANCES AND REGARDING THESE TWO CASES, THE
COMMITTEE RECOMMENDS THE GOVERNING BODY:

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(A) TO NOTE THE INFORMATION SENT BY THE GOVERNMENT;
(B) TO POINT OUT TO THE GOVT THAT ADDITIONAL MEASURES SHOULD BE
ADOPTED TO ENSURE FULLER PROTECTION FOR LEADERS, DELEGATES AND MEMBERS

OF TRADE UNIONS AGAINST ANY DISCRIMINATORY ACTION;
(C) TO DRAW THE GOVERNMENT'S ATTENTION TO THE PRINCIPLES AND CON-
SIDERATIONS SET FORTH IN PARAGRAPHS 195 (ELIGIBILITY REQUIREMENTS)
AND 196 (ASSEMBLIES OF MEMBERS OF OCCUPATIONAL UNIONS) WITH A
VIEW TO ITS MAKING THE NECESSARY AMENDMENTS TO GREEK LAW;
(D) TO REFER THE QUESTIONS DEALT WITH IN SUBSECTIONS (B) AND (C)
ABOVE TO THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS
AND RECOMMENDATIONS; AND
(E) TO DRAW THE GOVERNMENT'S ATTENTION TO THE POSSIBILITY OF ABUSE
INVOLVED IN THE MOBILISATION OR REQUISITIONING OF WORKERS IN TIME
OF INDUSTRIAL DISPUTES, AS STATED IN PARA 201 ABOVE. END TEXT.

3. BEGIN TEXT

195. THE COMPLAINANTS ALSO MENTION IN THEIR COMPLAINTS SECTION 21
FO LAW NO. 330. ONE OF THE ELIGIBILITY REQUIREMENTS FOR TRADE UNION
OFFICE LAID DOWN IN THIS PROVISION IS THAT THE CANDIDATE MUST HAVE
BELONGED TO THE ORGANIZATION FOR AT LEAST ONE YEAR. THIS COULD
BE INTERPRETED AS MEANING THAT ALL TRADE UNION LEADERS MUST BE
MEMBERS OF THE OCCUPATION OF WORK IN THE UNDERTAKING WHOSE TRADE
UNION REPRESENTS THE WORKERS. IN THIS EVENT, IF THE REQUIREMENT WERE
APPLIED TO ALL OFFICE-HOLDERS IN TRADE UNION ORGANIZATIONS IT WOULD
BE INCOMPATIBLE WITH THE PRINCIPLES OF FREEDOM OF ASSOCIATION.

196. UNDER SECTION 31, SUBSECTION 2, MENTIONED BY THE COMPLAIN-
ANTS, THE TOTAL NUMBER OF VOTES ALLOTTED TO EACH ORGANIZATION AT
ASSEMBLIES OF MEMBERS OF OCCUPATIONAL UNIONS MAY NOT EXCEED
ONE-TENTH OF THE TOTAL NUMBER OF VOTES IN THE ASSEMBLY. THE
COMMITTEE CONSIDERS THAT THIS RESTRICTION IS NOT COMPATIBLE WITH
ARTICLES 6 AND 3 OF CONVENTION NO. 87, IN ACCORDANCE WITH WHICH
WORKERS' AND EMPLOYERS' ORGANIZATIONS HAVE THE RIGHT TO DRAW UP
THEIR CONSTITUTIONS AND RULES, TO ELECT THEIR REPRESENTATIVES
IN FULL FREEDOM, TO ORGANISE THEIR ADMINISTRATION AND ACTIVITIES
AND TO FORMULATE THEIR PROGRAMMES, AND THE PUBLIC AUTHORITIES
SHALL REFRAIN FROM ANY INTERFERENCE WHICH WOULD RESTRICT THIS RIGHT
OR IMPEDE THE LAWFUL EXERCISE THEREOF.

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197. THE ALLEGATIONS ALSO REFER TO SECTIONS 32 ET SEQ. OF LAW NO.
330 REGULATING THE RIGHT TO STRIKE AND MAKING IT SUBJECT TO CERTAIN
CONDITIONS. THUS PRIOR NOTICE MUST BE GIVEN TO THE EMPLOYER OR
HIS OCCUPATIONAL ORGANISATION (SECTION 33), A CERTAIN QUORUM
MUST BE OBSERVED AND DECISIONS TO STRIKE MUST BE TAKEN BY SECRET
BALLOT (SECTION 34). SIMILARLY, A STRIKE ORGANISED BY WORKERS IN
PUBLIC UNDERTAKINGS OR THOSE OF VITAL IMPORTANCE MAY NOT BE PUT
INTO EFFECT UNTIL AFTER EIGHT DAYS FROM THE DATE OF RATIFICATION

OF THE WORKERS' CLAIMS AND OF THE REASONS FOR THE DECISION
TO STRIKE (SECTIONS 34, 35 AND 36). AGAIN, OCCUPATIONAL ORGANISATIONS
IN ALL BRANCHES OF ACTIVITY MUST SEE TO IT THAT THE STAFF NECESSARY
TO ENSURE THE SAFETY OF MACHINERY AND EQUIPMENT, AND PREVENT ACC-
IDENTS AND DESTRUCTION, SHOULD CONTINUE TO WORK, DISAGREEMENTS
ON WHO CONSTITUTES NECESSARY STAFF BEING SETTLED BY THE ADMIN-
ISTRATIVE ARBITRATION TRIBUNAL TO WHICH DISPUTES HAVE TO BE
REFERRED IN THE FIRST INSTANCE. IN THE COMMITTEE'S OPINION THESE
RESTRICTIONS ON THE RIGHT TO STRIKE ARE NO GREATER THAN THOSE WHICH
IT HAS CONSIDERED ACCEPTABLE IN OTHER CASES. END TEXT.
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